

PROPOSALS RECEIVING THE REQUISITE VOTE OF THE DELEGATES AND APPROVED BY THE BOARD OF CONTROL, SUBJECT TO REVIEW AND APPROVAL BY THE KENTUCKY BOARD OF EDUCATION AS REQUIRED BY 702 KAR 7:065

PROPOSAL 1

Proposed by the KHSAA Board of Control.

Rationale – This change though editorial in nature, would clarify that a student must be a full time student at the member school for which they desire to participate, in order to participate. This also clearly states that the Association's rules are designed and intended to only control what is under the jurisdiction of the KHSAA and not necessarily all other rules from other agencies.

Bylaw 4. Enrollment

Sec. 3] Deadline for Enrollment

On Friday of each grading period, a student in grades nine [9] through twelve [12] must be enrolled as a full-time student in at least four hours of instruction as provided in Kentucky Board of Education regulation 702 KAR 7:125 [of the six hours of instruction required] or the equivalent of four hours of instruction acceptable to graduation [according to regulations promulgated by the Kentucky Board of Education] at the member school he/she desires to represent in order to be eligible for athletics.

A student must have enrolled as a bona fide full-time undergraduate student no later than twenty [20] school days after the beginning of the semester to be eligible during that semester.

PROPOSAL 2

Proposed by the KHSAA Board of Control

Rationale – This proposal was submitted by Superintendent representatives of the Educational Cooperatives as a proposed solution to the territory and feeder pattern issues considered by the Task Force during 2005-2006. The proposal would define athletic territories for all KHSAA member schools. Students within the athletic territory of the school would be permitted to attend the member school without athletic eligibility restrictions provided the student is otherwise eligible. Students outside the territory would face a loss of eligibility at all levels of play for the first year at the school. This proposal would codify an affiliated school / feeder pattern determination as a means of restricting eligibility and attempting to make equivalent the "drawing areas" for non-public schools and the school district boundaries of public schools.

Bylaw 4. Enrollment

Sec. 5] Athletic Territory and Feeder Pattern Requirement

a) Purpose of this Bylaw - Beginning with the 2008-2009 school year, this Bylaw defines a feeder pattern and establishes an athletic territory for each member school of the KHSAA. This feeder pattern, including a list of applicable affiliated feeder schools, shall be reported to the KHSAA on an annual basis in the manner requested by the Commissioner. The specific restrictions of this bylaw do not apply until the 2008-2009 school year.

b) Definitions for this Bylaw

i) Classification of Schools – means the classification of the member schools as follows: [1] A1 - District operated general program or multi-program schools; [2] D1 - Kentucky Department of Education operated schools [Blind and Deaf]; [3] F1 - Federal Dependent Schools; [4] J1 - Roman Catholic schools; [5] M1 - Other Religious schools; and [6] R1 -Private non-church related schools.

ii) Public Schools – means the schools receiving funding from the Kentucky Department of Education or comparable federal sources. Public schools shall include the members schools which are classified as A1, D1 or F1.

iii) Non-Public Schools – means the schools not receiving funding from the Kentucky Department of Education or comparable federal sources. Non-public schools shall include the member schools which are classified as J1, M1 and R1.

iv) Bonafide Residence - means the primary residence of the student and his/her custodial parents.

v) Non-Public School Zone – means the zone assigned to each non-public school. The four current non-public school zones are Covington, Lexington, Louisville and Owensboro. These non-public school zones shall include the counties contained in the geographic alignment related to the archdiocese of the same name.

vi) Public School Governing Board – means the entity having oversight over the public member school. For purposes of this Bylaw, the "governing board" of a public school shall be the local board of education.

vii) Non-Public School Governing Board – means the entity having oversight over the non-public member school. For purposes of this Bylaw, the "governing board" of a non-public school shall be determined by the school type. For J1 schools, the "governing board" shall be the archdiocese and geographic references shall be the counties included in the non-public school zone of the school. For R1 and M1 schools, the "governing board" shall be as defined by the governance structure of the institution.

viii) Affiliated School – means the junior high/middle school[s] that is governed by the same governing board as the member school and that enrolls students in any format to include grades seven [7] and/or eight [8].

ix) Terminal Public School – means a public school that is located in Kentucky which terminates after grade seven [7] or eight [8] and is neither an affiliated school to any member school nor meets the requirements of a non-resident student agreement per KRS 157.350[4].

x) Terminal Non-Public School – means either a non-public school that is located in Kentucky which terminates after grade seven [7] or eight [8] and is not an affiliated school to any member school or a non-public school that is located in Kentucky which terminates after grade seven [7] or eight [8] and is not an affiliated school to any member school within the same county.

xi) Public School Feeder Pattern – means all affiliated school[s] for a public member school as defined by the public school governing board. The public school governing board may include any or all of the affiliated schools under its jurisdiction in the public school feeder pattern.

xii) Non-Public School Feeder Pattern – means all affiliated schools for a non-public member school as defined by the non-public school governing board. The non-public school governing board may include any or all of the affiliated schools under its jurisdiction in the non-public school feeder pattern.

xiii) Public Feeder School – means any affiliated school within the public school feeder pattern for a particular public member school.

xiv) Non-Public Feeder School – means any affiliated school within the non-public school feeder pattern for a particular non-public member school.

c) Athletic Territory Establishment

i) Public School Athletic Territory

For a public member school, the public school athletic territory means any and all students who attended a school in the reported public school feeder pattern during grades seven [7] and eight [8]. This public school territory may be expanded by the public school governing board to include any or all of the students that meet the requirements of an approved non-resident student agreement per KRS 157.350[4] and who attended an affiliated school in the applicable district during grades seven [7] and eight [8]. This public school territory may be expanded by the public school governing board to include any student who attended and is promoted from grade eight [8] by a terminal public school or a terminal non-public school located in the county of the public member school. This public school territory may be expanded by the public school governing board to include any student whose residence lies within the member school district boundaries and who is promoted from grade eight [8] by a terminal public school or a terminal non-public school.

ii) Non-Public School Athletic Territory

1) For a non-public member school with an average enrollment of 300 or less students enrolled in grades nine [9] through twelve [12] during the past two years, the non-public school athletic territory means any and all students who attended a school in the reported non-public school feeder pattern under the auspices of the non-public school governing board and who attended those affiliated schools in both grades seven [7] and eight [8]. This non-public school territory may be expanded by the member school to include any or all of the students whose permanent residence lies within a 20-mile radius drawn from the main entrance of the non-public school. This non-public school territory may be expanded by the non-public school governing board to include any student who attended and is promoted from grade eight [8] by a terminal public school

or a terminal non-public school located in the county of the non-public member school. This non-public school territory may be expanded by the non-public school governing board to include any student whose residence lies within the non-public school zone and who is promoted from grade eight (8) by a terminal public school or a terminal non-public school.

2) For a non-public member school with an average enrollment of greater than 300 students enrolled in grades nine (9) through twelve (12) during the past two years, the non-public school athletic territory means any and all students who attended a school in the reported non-public school feeder pattern under the auspices of the non-public school governing board and who attended those affiliated schools in both grades seven (7) and eight (8). This non-public school territory may be expanded by the non-public school governing board to include any student who attended and is promoted from grade eight (8) by a terminal public school or a terminal non-public school located in the county of the non-public member school. This non-public school territory may be expanded by the non-public school governing board to include any student whose residence lies within the non-public school zone and who is promoted from grade eight (8) by a terminal public school or a terminal non-public school.

d) Eligibility Establishment and Compliance

i) Below Grade Nine (9) Students – Beginning with students who first enter the 7th grade class during 2008-2009, a student below grade nine (9) shall be eligible to participate in interscholastic athletics at a member school if the student attends a feeder school as defined in this regulation for the member school and the student's participation is not in conflict with other restrictions.

ii) Students Grades Nine (9) Through Twelve (12) – Beginning with students who first enter the 7th grade class during 2008-2009, a student enrolled in grade nine (9) through twelve (12) at a member school shall be ineligible to participate in interscholastic athletics at any level in any sport for one year from date of enrollment at the member school if that student is not within the athletic territory of the member school as defined in this bylaw. This period of ineligibility applies to any student enrolling at a public school who does not meet the definitions of being in a public school athletic territory, and to any student enrolling at a non-public school who does not meet the definitions of being in the non-public school athletic territory.

iii) The Commissioner shall have discretion (but is not required) to waive the period of ineligibility contained in this Bylaw under the exceptions contained in Bylaw 6, Section 1 but subject to the limitations contained therein.

iv) D1 and F1 schools - this Bylaw shall not apply to students enrolled at D1 or F1 schools.

v) Member School Petition Process – a member school may petition the Board of Control to expand/reduce/define/clarify the member school's feeder pattern and/or athletic territory.

vi) Compliance Responsibility – each member school shall be responsible for verifying that all student-athletes at the member school are in compliance with this Bylaw and shall maintain supporting documentation subject to disclosure to the KHSAA upon request.

REMAINDER OF BYLAW 4 REMAINS AS PRINTED WITH
SECTIONS RENUMBERED

CS – What is the governing Board of a non-public school?

PROPOSAL 5

Proposed by James Sexton, Principal, Eastern High School

Rationale – This proposal would restrict play in any organized outside competition by a member of a school team sport team during the sports season and in that sport for which the student represents the high school. The students need to choose whether they desire to play for school teams or community teams during the school season as defined in Bylaw 25. The change also prevents the circumvention of certain health and safety rules, such as the baseball pitching limitations, by making sure that the athletes are adhering to those restrictions during the season. This proposal received widespread approval in 2005, but with the confusion of amendments, etc., the author decided to bring it back again this year.

Bylaw 8. Contestant On Other Teams, Post Season and All-Star Games

Any student who after enrolling in grade nine (9) has been a contestant representing a KHSAA member school in a team sport

(baseball, basketball, football, soccer, softball or volleyball) [~~in football or basketball~~] at any level (grades 9-12) and has eligibility remaining in that sport may not participate on any non-school sponsored team or in any all-star game in that sport or any variation of that sport from the first day of practice through the last day of competition as defined in Bylaw 25 [~~school through the last scheduled contest played in that sport (including KHSAA sanctioned post season) by that school unless it has been sanctioned by the Board of Control.~~] During the school year prior to the first date of practice, and following the team's last scheduled game (including post season), there are no restrictions on play in that specific sport for the student-athletes.

PROPOSAL 6

Proposed by the KHSAA Board of Control

Rationale – This proposal would add to the restrictions of Bylaw 9, stipulations restricting the use of ineligible participants at any point that school funds are used or expended, competition is school based in any manner.

Bylaw 9. Other Eligibility Requirements and Regulations

Sec. 1) Graduates and College Students

Any student who has graduated from a secondary school, or who has ever played on a college team, is thereafter ineligible to play on a high school team.

Sec. 2) Participation by [~~Practice of~~] Ineligible Students

Unless ineligible due to the provisions of Bylaw 11 (Sportsmanship, having been ejected from a contest), any student who is not eligible for competition during a team's next contest/meet/match/game shall not practice with the team during the defined Limitation of Seasons (Bylaw 25) for that sport. No student who is ineligible according to any KHSAA Bylaw may represent a member school in practice or competition outside of the defined periods in Bylaw 25. For purposes of this bylaw, "representing a member school" shall include, but not be limited to events where:

- 1) participation is in the school uniform (old or current), or
- 2) school funds are used to pay entry or travel fees (including booster funds), or
- 3) team members (or individuals) are coached by a member of the coaching staff in school based competition in that coach's sport, or
- 4) the school likeness or nickname is used, or
- 5) participation by any or all team members is required in whole or in part, explicitly or implicitly.

Sec. 3) Conduct - Student or Other Representative Under Penalty

Any student, contest official or other official school representative who is under penalty or discipline or whose conduct is such as to reflect discredit upon the school or the KHSAA is not eligible.

PROPOSAL 7

Proposed by the KHSAA Board of Control.

Rationale – This change would clearly state that the prohibition on "recruiting" students applies to those students not already enrolled at the member school. While it may have seemed good originally to have this sentence in the rules, discussion has proven that nothing should be disallowed when a school attempts to maintain an already enrolled student who is attending that school.

Bylaw 10. Recruitment

Sec. 1) Foreword

Pupils (both domestic and foreign) at any grade level shall not be recruited to a member school of the KHSAA for the purpose of participating in athletics, including recruitment under the guise of academics.

Sec. 2) Definition

a) Recruiting is defined as an act, on behalf of or for the benefit of, a school, which attempts to influence a student to transfer to a member school for the purpose of participating in athletics. [~~Such also includes influencing a student to remain at a school.~~] A school official utilizing an intermediary, such as, but not limited to a peer, another school employee, a student, a parent or a citizen, for the purpose of recruiting a student athlete shall be in noncompliance.

PROPOSAL 9

Proposed by the KHSAA Board of Control

Rationale – This change would ensure that programs such as the Heat and Humidity Program, Title IX reporting and other Board initiated directives are fully complied with by member schools as condition precedent to membership. In general it would result in very minimal change to the day to day operations of the school or the Association, but gives Bylaw support to many Board directives

such as Title IX, Heat and Humidity, Wrestling Weight Management and other important programs that may be composed.

Bylaw 17. Supplying Information and General Compliance

A superintendent, principal, student, and/or Designated Representative shall, when requested, supply the Commissioner with such information as that person may be asked for related to the athletic program at a member school, ~~[bearing on the eligibility of contestants at the school.]~~ A failure to comply within a reasonable time may forfeit the schools membership in the Association, or the school may be penalized in accordance with approved Association penalty codes. Each member school shall annually certify that it will comply with any and all of the rulings of the Commissioner, Assistant Commissioners, Hearing Officer and Board of Control as they relate to the athletic program at a member school. Such compliance shall include but not limited to student eligibility matters, Board policy directives related to health and safety of student athletes, and other programs as may be instituted by the convened Board of Control.

PROPOSAL 10

Proposed by the KHSAA Board of Control.

Rationale – This change will revise the tournament counting shortcut exceptions contained in the Limitation of Seasons and replace that wording with the wording from the Bylaw prior to the changes in the early 1990s. In this manner, any two tournaments could be counted as one game each against the limit, simplifying the procedure for monitoring compliance. The maximum number of games played would continue to be 36, and could be accomplished by playing four games in each of two tournaments, and then 28 other games. It is hoped that this wording, restoring the counting to the basic provisions in place prior to the early 1990s, would eliminate the possibility of a school inadvertently scheduling too many contests.

Bylaw 25. Limitation of Seasons

Sec. 2] Sports Specific Limitations - Baseball - Boys

4) A maximum of thirty-six (36) ~~(thirty (30))~~ games may be played prior to the beginning of KHSAA state championship tournament competition (district). ~~[Doubleheaders shall be counted as two (2) games each against the limit of thirty (30) games. A maximum of three (3) tournaments may be included in any manner other than counting each game played against the limit of thirty (30) games. Single elimination tournaments in which every team in the tournament is finished playing upon their first loss are eligible to be counted as one game against the limit of thirty (30) games. All other formats of tournaments are eligible to be counted as two games against the limit of thirty (30) games. Any team playing more than four games in any one tournament shall have each additional game played over four counted against the limit of thirty (30) games.]~~

PROPOSAL 12

Proposed by the KHSAA Board of Control.

Rationale – This change will revise the tournament counting shortcut exceptions contained in the Limitation of Seasons and replace that wording with the wording from the Bylaw prior to the changes in the early 1990s. In this manner, any two tournaments could be counted as one game each against the limit, simplifying the procedure for monitoring compliance. The maximum number of games played would continue to be 36, and could be accomplished by playing four games in each of two tournaments, and then 28 other games. It is hoped that this wording, restoring the counting to the basic provisions in place prior to the early 1990s, would eliminate the possibility of a school inadvertently scheduling too many contests.

Bylaw 25. Limitation of Seasons

Sec. 8] Sports Specific Limitations - Softball - Girls (Fast Pitch)

4) A maximum of thirty-six (36) ~~(thirty (30))~~ games may be played prior to the beginning of KHSAA state championship tournament competition (district). ~~[Doubleheaders shall be counted as two games against the limit of thirty (30) games. A maximum of three (3) tournaments may be included in any manner other than counting each game played against the limit of thirty (30) games. Single elimination tournaments in which every team in the tournament is finished playing upon their first loss are eligible to be counted as one game against the limit of thirty (30) games. All other formats of tournaments are eligible to be counted as two games against the limit of thirty (30) games. Any team playing more than four games in any one tournament shall have~~

~~each additional game played over four counted against the limit of thirty (30) games.]~~

Sec. 9] Sports Specific Limitations - Softball - Girls (Slow Pitch)

4) A maximum of thirty-six (36) ~~(thirty (30))~~ regular season games may be played. ~~[Doubleheaders shall be counted as two games against the limit of thirty (30) games. A maximum of three (3) tournaments may be included in any manner other than counting each game played against the limit of thirty (30) games. Single elimination tournaments in which every team in the tournament is finished playing upon their first loss are eligible to be counted as one game against the limit of thirty (30) games. All other formats of tournaments are eligible to be counted as two games against the limit of thirty (30) games. Any team playing more than four games in any one tournament shall have each additional game played over four counted against the limit of thirty (30) games.]~~

PROPOSAL 13

Proposed by Gale Travis, Designated Representative, Madisonville North Hopkins High School.

Rationale – Several years ago, the KHSAA Annual Meeting adopted a Limitation of Seasons that included Indoor Track. In the time since then, many schools have added indoor track and yet do not have a facility near the school to participate in indoor competition. In many cases, these teams have not been able to find participation opportunities. This would basically unify the seasons, and allow for scheduling flexibility while not increasing the number of competition opportunities available. This proposal comes from the Track and Cross Country Advisory Committee.

Sec. 12] Sports Specific Limitations - Indoor and Outdoor Track - Boys and Girls

- 1) Following the opening day of school, there shall be no organized practice prior to December 1.
- 2) There shall be no more than two (2) ~~(outdoor)~~ practice meets held by each team and such shall be held on or before the Monday of NFHS calendar week 38 ~~[prior to the first regular season outdoor meet of that year.]~~
- 3) The first meet (indoor or outdoor) shall not take place before the Monday of NFHS Calendar Week 28. ~~[outdoor meet shall not take place before the Monday following the conclusion of the second state basketball tournament of that year.]~~
- 4) ~~The first indoor meet shall not take place prior to January 4. The last indoor meet must be held on or before the second Saturday in March. All indoor meets must be properly sanctioned.~~
- 5) ~~The indoor season shall consist of a maximum of four (4) meets (not including the Mason-Dixon games) No indoor meet shall count against the limit of outdoor meets.]~~
- 4) ~~(6)]~~ The track season shall consist of a maximum of nineteen (19) meets. All meets, regardless of format or of being indoor or outdoor meets, shall count against the limit of meets. ~~[The track season shall consist of The outdoor season shall consist of a maximum of fifteen (15) meets. No outdoor meet shall count against the limit of indoor meets.]~~
- 5) ~~(7)]~~ The opportunity to participate in regular season outdoor contests season ends at all levels of play (grades 9-12) on the day prior to the first day for varsity level competition in KHSAA sanctioned post-season events, with the exception that the varsity team may practice and play through its elimination from KHSAA sanctioned tournament play. Following elimination, there shall be no further practice or play during the remainder of the academic school year.

PROPOSAL 14

Proposed by the KHSAA Board of Control.

Rationale – This change will clarify the original intent of the Limitation, which was to restrict the cheerleading insurance coverage only to competitions and practices that adhere to the NFHS Stunt Limitations.

Bylaw 25. Limitation of Seasons

Sec. 15] Specific Limitations - Other Sport Activities - Cheerleading (Spirit)

- 1) The first organized practice shall not take place prior to July 15.
- 2) Cheerleaders are limited to a maximum of three competitions during the school year, not including in-game competitions, that each are sponsored by an organization that adheres to and enforces the Stunt Limitations of the National Federation Spirit Guide. This does not include in-game competitions. The

KAPOS Sweet Sixteen® and KAPOs At-Large Competitions [held in conjunction with the KHSAA district, region and state basketball tournaments] shall not count toward the three-competition limit. Any preliminary competitions that progress to a district, region, state and/or national level will be considered as one competition.

- 3) The opportunity to cheer or enter cheerleading contests ends at all levels (grades 9-12) for that academic year on or before April 1. After April 1, schools are permitted to designate a single two-week tryout period following which there shall be no further practice or competition until the end of the academic school year.

PROPOSAL 15

Proposed by the KHSAA Board of Control

Rationale – This change would clarify the role of the KHSAA in schools making decisions about coach hirings. The KHSAA can set baseline qualifications for coaches in conjunction with the Kentucky Department of Education, and should certainly set requirements once hired, for working with the program. However, the KHSAA role in the hiring process should probably defer to the local control of the school and school system within applicable law. The previous provisions pre-date KERA and the School Based Decision Making policies and regulations. To eliminate conflict and to keep the Association out of issues in which it should not be involved, this rule should be revised.

Bylaw 27. Requirement for Coaches and Others Working With High School Teams

Sec. 1) Definitions

a) Level 1 Coaches

- i) ~~[The local school district superintendent shall categorize]~~ An individual seeking a coaching position shall be categorized as Level 1 if such individual meets the following criteria prior to assignment to coaching duties:

- ii) A certified teacher and member of the regular school system faculty, employed a minimum of three (3) regular periods for teaching classes, including physical education; for supervision of study halls; and/or exercising responsibilities in other activity assignments within the school schedule.

Sec. 2) Hiring and Employment Requirements

a) Required Level

Level 1 or 2 individuals (head and assistant) may be assigned as the head or assistant coach in any sport or sport activity (including cheerleading).

b) Member School Obligations in Hiring

- i) The Superintendent shall ensure that all assignments for coaching duties comply with all applicable state and local policies.

- ii) The hiring process shall ensure that in considering those individuals seeking coaching duties, the most qualified individual shall be assigned. In considering qualifications, the qualifications desired for the position, the references, interviews and experience of those seeking the duties, and the education background shall be considered.

c) Compensation

Any person assigned to coaching duties at any level (grades 9-12) shall be duly employed through the respective board of education and the entire coaching salary shall be paid through such board in accordance with local Board of Education policy.

[a) Level 1

Level 1 individuals (head and assistant) may be assigned as the head or assistant coach in any sport or sport activity (including cheerleading). All Level 2 individuals assigned to coaching duties (head and assistant) shall have the full and same authority and responsibility, consistent with applicable law, as fully certified, teaching counterparts hired as Level 1 coaches.

b) Level 2

- i) In the event that the member school is unable to staff head or assistant coaching positions in any sport or sport activity (including cheerleading), the Superintendent of the local school district may declare the need for assignment of a Level 2 coach. The Superintendent shall provide a list of qualified candidates to the Principal, who will consult the School Based Council prior to making selection, and the superintendent will complete the final assignment process.

- ii) Before assigning Level 2 individuals to coaching duties (head and assistant), the Superintendent shall declare, after reasonable notice of a relevant position that no qualified Level 1 individual has applied for the position. Coaching positions shall be filled

by the best qualified person available, giving preference to the factors of academic preparation and teacher certification, prior teaching experience or related educational work, and personal attributes compatible with the demands of the position;

- iii) All Level 2 individuals assigned to coaching duties (head and assistant) shall have the full and same authority and responsibility, consistent with applicable law, as fully certified, teaching counterparts hired as Level 1 coaches.

- iv) In the event that the member school is unable to staff head or assistant coaching positions in any sport or sport activity (including cheerleading) with a Level 1 or Level 2 individual, the member school may request through the Superintendent that the KHSAA allow for a one-time waiver of this rule in order that the additional time be available to find an applicant meeting the criteria.

Sec. 3) Duties and Responsibilities

a) Jurisdiction

All Level 1 and 2 individuals assigned duties as coaches (head and assistant) at all levels (grades 9-12) are under the jurisdiction of the member school principal, and shall act in accordance with his/her directives. The member school principal shall correctly implement site Based Decision Making policies relative to this area.

b) Compensation

Any person assigned to coaching duties at any level (grades 9-12) shall be duly employed through the respective board of education and the entire coaching salary shall be paid through such board in accordance with local Board of Education policy.]

PROPOSAL 16

Proposed by the KHSAA Board of Control.

Rationale – This change would ensure that in a sport which emphasizes risk minimization and liability prevention as much as swimming, that a properly licensed and trained official would be at each contest.

Bylaw 29. Officials Division of the Association

Sec. 1) Officials Who Must License

Any person who officiates in baseball, basketball, football, soccer, softball (slow and fast pitch), swimming, volleyball and wrestling in grades 9 through 12 between member schools of the Association must be licensed by the Commissioner and must carry an official card indicating such licensure. All officials in baseball, basketball, football and softball are required to join a local officials association as described in the KHSAA Officials' Guidebook.

PROPOSAL 17

Proposed by Phil Rison, Designated Representative, Montgomery County High School.

Rationale – This school does not agree with any fines to coaches. We believe it is wrong to assess a fine to a coach, who is most probably underpaid in the first place. In the case of Bylaw 11, the coach is already required to sit out a game for an ejection for unsportsmanlike conduct and to me the assessment of a fine is double jeopardy. Neither I nor my school have issues with fines being assessed for schools who do not meet timelines, perform procedural duties, or for the Association seeking restitutionary damages for rules violations where the school dues and other funds are used for investigation or legal defense of the rules promulgated by the schools and otherwise detailed in this schedule. But I have an issue with coaches being assessed a fine and an issue with fines being used for basic rules compliance. For that reason, this amendment also strengthens and reiterates the Commissioner, Hearing Officer and Board of Control's ability to suspend offenders from scrimmage and game competition, which in reality, is the most effective punishment in interscholastic athletics. Competition is what both athletes and coaches work toward, suspension from that is an effective rules deterrent, and eliminates the perception that some individuals will simply "buy their way" out of violations. If passed, it is hoped that the Board of Control will look long and hard at revising the fine schedule to adhere to this philosophy.

Bylaw 33. Imposition of Penalties

When Association rules and regulations have been violated, penalties may be imposed on the offending schools or individual by the Commissioner's office, the KHSAA Hearing Officer and/or the Board of Control. Each member school of the KHSAA through its Principal shall ensure that its athletic program remains compliant with KHSAA rules.

For violation of any rule or regulation by any member school or school designated staff, student-athlete, official, or other representative,

such penalty as may be called for under the specific rule or regulation, or, in case no specific penalty is called for, such disciplinary action, including warning, reprimand, probation, suspension, and/or payment of a fine may be imposed by the Commissioner's office or Board of Control.

1) FINE - A fine may be levied in lieu of, or in addition to, any other penalty imposed upon the school and may only be levied against a member school. The Board of Control shall adopt a schedule of fines and publish said schedule annually in the Association Handbook. The fine schedule shall also include any amounts paid by the Association and/or received by the school as a result of postseason competition. A fine shall not be levied against any individual within the interscholastic athletic program but may only be levied against the member school and only for selected violations as determined by the Board of Control.

2) FORFEIT - The forfeit of contests/meets may be included in penalties assessed for violation of Association rules.

3) WARNING - A warning is written notification that a violation, or an inexcusable or unethical action, has occurred, is a matter of record, and that such action must not be repeated.

4) LETTER OF REPRIMAND - A written reprimand of the individual, program, or school may be issued if a violation of the rules has occurred which was preventable. The action is a matter of record, and warnings that repeat actions of this type will be cause for further penalty.

5) PROBATION - Probation is a more severe penalty and may be described in the following manner. Normally, an individual or a school on probation is on conditional Association membership, but may engage in their/its regular schedule, sanctioned events, and district, regional and state championships. This is provided that the individual and/or school has taken steps to insure the problem which placed the individual, sport or school on probation has taken steps to alleviate the problem which caused the probation. Additionally, a school on probation may be restricted to limits on contests/scrimmages as may be deemed appropriate.

6) SUSPENSION - An individual participant, coach, specific sport or school may be suspended from competition or from scrimmage participation. This penalty may range from the elimination of individual and/or team(s) participation in games, tournaments, meets or state championship competition, to suspension of the school from the Association. Individuals and/or teams suspended may not engage in contests with member schools of the Association, or with any other school that is a member of another state associated with the National Federation of State High School Associations.

7) RESTITUTION - A fine may be levied equal to the amount of itemized legal fees expended by the Association in defense of its rules in a court of law in cases where a school or school system is directly or indirectly involved in the legal challenge of an association rule which has passed via the proper Constitutional process and in which case, the Association prevails in court. If the Association, its Commissioner, or other persons associated or employed by the Association are named as a party, or if the Association intervenes in any action to enforce a ruling, bylaw or other provision, it shall be presumed that the school where the student attends or the coach or such other person is employed or is otherwise associated or connected, is involved in the legal challenge. The presumption of involvement may be rebutted by clear and convincing evidence. Such involvement includes but is not limited to, providing testimony, staff, staff legal counsel and/or funds for such counsel, or direct filings by or on behalf of the school or school system.

If the Association conducts an investigation regarding any player, coach, assistant coach, paraprofessional, booster, supporter or other person associated with a team, program or member school, and the investigation results in any penalty being imposed by the Association, the school may be required to pay all costs of such investigation. Such costs may include, but are not limited to, the costs, fees and expenses charged by an investigator, and the costs, fees and expenses charged by the Association's legal counsel.

8) PERMANENT SUSPENSION - Any coach, participant or other school representative may be permanently suspended from involvement in interscholastic athletics in this state if found by competent and conclusive evidence to be guilty of assaulting a sports official.

9) REDISTRIBUTION - If a school is found to have used an ineligible competitor and as an extension to the fine penalty listed above, the Commissioner may direct that a portion or all of the net proceeds received from a postseason contest or tournament be

returned to the host and/or redistributed to the other contest or tournament participants.

10) VACATE / STRIKE - If a school is found to have used an ineligible competitor, the Commissioner may direct that 1) Individual records and performances be vacated or stricken; 2) Team records and performances including place finishes be vacated or stricken; and/or 3) Individual or team awards be returned to the Association.

PROPOSAL 18

Proposed by the KHSAA Board of Control

Rationale - This revision would state that the full Board of Control would only be required to conduct four regular meetings per year. In this manner, smaller groups of Board members may meet for committees, etc. and not force the expense of a full Board meeting more than is necessary to fulfill the Board's functions.

ARTICLE IV

ADMINISTRATION AND LEGISLATION

Section 3. Duties of Officers

D) BOARD OF CONTROL

The Board of Control shall:

7) Hold a minimum of four [4] ~~six [6]~~ regular meetings.

PROPOSAL 19

Proposed by the KHSAA Board of Control

Rationale - This revision would move the deadline date for proposals back to May 1 of the year that the change is to be considered. In this manner, changes can be discussed and debated among all KHSAA constituencies, impact analysis can be performed and reviewed, and input can be gathered from all KHSAA Constituencies. This will ensure that changes to the foundation documents of the Association, the Constitution and the Bylaws, are well thought out, discussed and that those approved truly represent the best interests of the membership.

ARTICLE IX

AMENDMENTS

Section 1. Deadline for Filing

Through the 2007 Annual Meeting, on or before September 10 of each year, a DELEGATE or REPRESENTATIVE may file with the Commissioner any proposed change in the Association Constitution and/or Bylaws. Effective with the conclusion of the 2007 Annual Meeting, on or before May 1 preceding the convening of the Annual Meeting—a DELEGATE or REPRESENTATIVE may file with the Commissioner any proposed change in the Association Constitution and/or Bylaws. The Commissioner shall submit the proposed changes approved by the Board of Control to the member schools by electronic or printed means within seven (7) calendar days of the Annual Meeting. Any proposal to be offered by the Board of Control shall be submitted to the member schools by electronic or printed means within seven (7) calendar days of the Annual Meeting. No [Except by two-thirds vote of the DELEGATES answering the roll, no] proposals other than these may be considered at the ANNUAL MEETING.

PROPOSAL 20

Proposed by Arthur Ballard, Designated Representative, Estill County High School.

Rationale - This proposal ensures open communication of the business of the Board of Control with the member schools and accountability for the Board's action. The posting of this information could be done in a secure portion of the KHSAA web site available only to member schools within the constraints of the Kentucky Open Records Act.

ARTICLE IV

ADMINISTRATION AND LEGISLATION

Section 3. Duties of Officers

D) BOARD OF CONTROL

The Board of Control shall:

8) Be empowered to transact its business when a majority of its members is present at a meeting. This shall constitute a quorum. The complete Board of Control agenda shall be published online [exclusive of specific student appeal information] not less than five [5] business days before the date of the meeting. The minutes of all meetings of the Board of Control shall be published online [exclusive of specific student appeal information] not later than five [5] working days following final approval of the minutes the meeting. The minutes shall be detailed in nature. Unless the vote on an issue related to the

Constitution, Bylaws and Tournament Rules was unanimously approved, the minutes shall include a record of how each member of the Board voted on each issue. The recorded vote shall not be required on matters related to the KHSAA Due Process Procedure and student eligibility.

NOTE: PROPOSAL 21 WAS NOT GIVEN FINAL ACTION BY THE BOARD OF CONTROL AT THIS TIME PENDING RECEIPT OF REQUESTED ANALYSIS AND INFORMATION.

PROPOSAL 21

Proposed by Ron Madrick, Designated Representative, Holmes High School

Rationale – There is a need for representation of all regions every year. While the current Board has made all efforts to be truly representative, the current system leaves long amounts of time between an official representative being able to be elected from every region. With the passage of this proposal, every region would be represented, and in addition, the number of designated representatives (females and African Americans) would be doubled, thereby complying with the Court Decree of 1971. The other represented groups placed on the Board of Control were placed by regulatory authorities and those authorities, not the body of delegates, should decide if additional representation is needed for those groups. While there are added expenses, there are other ways to address the cost issue including the timing and frequency of meetings, and other containment measures. This proposal would also reduce the number of required Board meetings to four and the remainder of the meetings could effectively be held via committee system and small representative groups.

B) BOARD OF CONTROL

1) REPRESENTATION

- a) ~~Sixteen (16) [Eight (8)]~~ Board of Control members shall be elected by a vote of the PRINCIPALS or DESIGNATED REPRESENTATIVES of member schools in each region [section] to serve as REGIONAL [SECTIONAL] Board of Control members. A REGION is defined [SECTION is defined as the combination of two (2) contiguous regions as defined] by the KHSAA alignment in basketball. [~~Basketball Regions 4 and 2 (S. 1), 3 and 4 (S. 2), 5 and 6 (S. 3), 7 and 8 (S. 4), 9 and 10 (S. 5), 11 and 12 (S. 6), 13 and 14 (S. 7), 15 and 16 (S. 8)]~~ Terms of these REGIONAL [SECTIONAL] Board of Control members shall be staggered so that four [4] [two (2)] are elected each year. Initial terms for the newly elected members not currently serving on the Board of Control shall be drawn by lot to develop the proper rotation.
- b) Two [One] African-Americans shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 and two [one] African-Americans shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 to serve as DESIGNATED members of the Board of Control.
- c) Two [One] females shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 and two [one] females shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 to serve as DESIGNATED members of the Board of Control.
- d) Terms of the DESIGNATED members detailed in section [b] and [c] shall be staggered so that one African American and one female are [is] elected each year. Initial terms for the newly elected members not currently serving on the Board of Control shall be drawn by lot to develop the proper rotation.
- e) One African-American shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 16 to serve as a DESIGNATED member of the Board of Control.
- f) One Female shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 16 to serve as a DESIGNATED member of the Board of Control.
- g) Terms of the DESIGNATED members detailed in section [e] and [f] shall be staggered so that one of these Designated Representatives is elected each in alternating odd numbered election years. Initial terms for the newly elected members not currently serving on the Board of Control shall be drawn by lot to develop the proper rotation.
- h) Two [One] persons shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 who shall come from the non-public [not classification A1, D1 or F1 schools] member schools of the Association, and Two [One] persons shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16

and shall come from the non-public [not classification A1, D1 or F1 schools] member schools of the Association to serve as DESIGNATED members of the Board of Control. [~~Initially, one non-public school representative shall serve a three-year term, and one shall serve a five-year term.~~] Terms of the DESIGNATED members shall be staggered so that one of the DESIGNATED representatives required to be from the non-public member schools is elected each year. Initial terms for the newly elected members not currently serving on the Board of Control shall be drawn by lot to develop the proper rotation. [Following initial election, the terms of the DESIGNATED representatives required to be from the non-public member schools shall be staggered so that one is elected each even-numbered year. Balloting for these non-public school representatives shall only be conducted among the non-public school representatives of the Association.]

- i) Four [4] at-large members of the Board of Control are to be appointed by the Kentucky Board of Education. These members are to be at-large appointments recommended by the Commissioner of the Kentucky Department of Education. These appointees shall not be an employee of any member school or its central administration, or the administration of the Kentucky Department of Education. At least one of these appointees shall be an African-American and one shall be a female. Terms of the at-large members shall be staggered so that one is appointed each year.

2) TERM IN OFFICE

- a) Members of the Board of Control shall serve a four-year term in office unless filling an unexpired term created by death or resignation of a member, in which case the balance of the remaining term is the term in office. The term year for the Board of Control is July 1 through June 30.
- b) No member is eligible to serve more than two (2) consecutive complete four-year terms with no further limits as to lifetime eligibility.
- [e] ~~SECTIONAL members are not eligible to serve on the Board of Control if the region has been represented for two (2) consecutive four-year terms. If a SECTIONAL representative moves to a different region following his/her election, the region in which the member was employed at the time of election shall be used to determine the status of section for the next election.~~

3) ELIGIBILITY

- a) To be eligible for membership as a REGIONAL SECTIONAL or DESIGNATED representative on the Board of Control, one must be an employee holding a valid Kentucky Teaching Certificate issued by the Education Professional Standards Board and be an employee of an accredited KHSAA member school or system which is in good standing with the KHSAA. He/she must be employed in the region [regions in the case of DESIGNATED REPRESENTATIVES] [section] he/she is to represent, and must remain employed in that region [regions in the case of DESIGNATED REPRESENTATIVES] [section] during his/her tenure of office. Serving in a part-time capacity [less than three hours of instruction or other administrative duties other than a bonafide 100-day contract assignment as approved by rules of the Kentucky Teachers Retirement System] or on leave of absence [exclusive of employee earned sick leave] will terminate the eligibility of the member. [~~He/she shall not be eligible after serving two (2) consecutive four-year terms.~~]
- b) If a vacancy occurs with less than one year remaining on the term in office, the Board of Control shall fill the vacancy for the remainder of the term. If a vacancy occurs with one year or more remaining or if a newly elected member of the Board of Control is unable to take office at the start of his/her term, the Commissioner shall ensure the vacancy is filled within sixty (60) days in the same manner as that prescribed for the regular selection of Board members.

REFERENDUM ITEM 1

Proposed by the KHSAA Board of Control

Rationale – This proposal would codify previous interpretations and restrictions regarding financial aid in KHSAA member schools to attempt to have all schools on the same level with regards to selection, acceptance and continuance of enrollment by the student body. This proposal codified previous interpretations and attempts to eliminate perceptions about advantages gained by schools awarding financial aid. NOTE: The current Bylaw 7 would become a section under Bylaw 9.

Bylaw 7. Financial Aid (new)

Sec. 1) Definitions for this bylaw

- a) Tuition - means the amount of necessary fees, costs and other charges to attend a member school as determined by that member school's published scale of charges. The tuition at the member school shall be the same for all students in like situation irrespective of participation in athletics and shall not include room and board expenses.
- b) Classification of Schools - means the classification of the member schools as follows: [1] A1- District operated general program or multi-program schools; [2] D1- Kentucky Department of Education operated schools (Blind and Deaf); [3] F1- Federal Dependent Schools; [4] J1- Roman Catholic schools; [5] M1- Other Religious schools and [6] R1-Private non-church related schools.
- c) Public Schools- means the member schools receiving funding from the Kentucky Department of Education or comparable federal sources. Public schools shall include the member schools which are classified as A1, D1 or F1.
- d) Non-Public Schools - means the member schools not receiving funding from the Kentucky Department of Education or comparable federal sources. Those schools shall include the member school which are classified as J1, M1 and R1.
- e) Non-Public School Zone - means the zone to which each non-public school is assigned. The four current non-public school zones are Covington, Lexington, Louisville and Owensboro. These non-public school zones shall be comprised of the counties contained in the geographic alignment related to the archdiocese of the same name.
- f) Non-Public School Governing Board- means the entity having oversight over the member school. For purposes of this bylaw, the "governing board" of a non-public school shall be determined by the school type. For J1 schools, the "governing board" shall be the archdiocese and geographic references shall be the counties included in the non-public school zone of the school. For the R1 and M1 schools, the "governing board" shall be as defined by the governance structure of the institution.
- g) Immediate Family- means the student and the student's father, mother, brother, sister, step-father, step-mother, step-brother, step-sister, husband, wife, aunt, uncle, grandparent.
- h) Financial Aid- means any and all aid given to a student which reduces tuition, including, but not limited to, awards, reductions and waivers.
- i) Need-Based Aid- means the amount of financial aid that an independent financial analysis of the student's financial aid application demonstrates that the student needs to pay tuition to attend a member school, provided such analysis is performed by an agency approved by the Board of Control.
- j) Merit Aid- means financial aid awards given by the member school based solely on academic/test performance which are available to the entire student body through a competitive application process and that the selection of the recipient(s) is based on published objective criteria which may not include athletic achievement or ability.
- k) Merit Aid Test - means the academic assessment or placement test approved by the Board of Control prior to its administration.
- l) Merit Aid Test Date - means be the date submitted by each member school for the administration of the merit aid test.
- m) Financial Records- means the records related to any financial aid analysis of the student including but not limited to, immediate family's records of the method and sources for all tuition payments.

Sec. 2) Non-Permissible Financial Aid

- A student shall be ineligible to participate in interscholastic athletics if the student:
- i) Receives financial aid beyond the limits defined in Section 1(i) except for merit aid allowed under this bylaw, and waivers of tuition for non-domestic students ruled eligible under Bylaw 6, Section 2 (Foreign Exchange);
 - ii) Receives merit aid based on an unapproved merit aid test;
 - iii) Receives merit aid based on a merit aid test not administered on an approved merit aid test date;
 - iv) Receives merit aid greater than twenty-five percent (25%) of the tuition at the member school;
 - v) Receives merit aid from a member school that has already given merit aid to the greater of five (5) percent of its student body or five students;

- vi) Receives financial aid that is not available to the entire student body by published objective criteria;
- vii) Receives financial aid from a funding source that is not under the custody and control of the member school and/or its governing board;
- viii) Receives any financial aid other than the permitted need-based aid or merit aid detailed above from a member school, any other entity governed by that member school's governing board or any representatives of the member school;
- ix) Receives any financial aid that is indirectly or directly related to athletic achievement or ability;
- x) Has any part of the financial obligation to the member school paid directly or indirectly by individuals outside of the student's immediate family; or
- xi) Does not agree to complete disclosure of financial records as defined in this bylaw upon request of the KHSAA and its officials, employees and agents.

Sec. 3) Financial Aid Restrictions and Reporting

- All member schools shall annually report detailed financial aid information to the KHSAA including, but not limited to:
- i) Tuition schedule and/or other fees applicable to the student body at the member school;
 - ii) The merit aid test being utilized by the school and the merit aid test date; and
 - iii) A detailed listing of the amount of financial aid awarded by the member school including but not limited to:
 - 1) The need-based aid each student-athlete is eligible to receive based on the report of the approved independent agency;
 - 2) The merit aid given to each student and the qualifying score used to make the determination;
 - 3) The amount of need-based aid awarded to each student; and
 - 4) A specific listing of the sports in which each student participates.

NOTE: The parenthetical Case Situation would remain which identifies the six approved agencies, which would not be codified into the rules to allow for review by the Board, but would be printed in the interpretations.

CS - Which independent agencies have been approved by the Board of Control to perform the need-based aid analysis?

The Board of Control has approved the following agencies to perform the need-based aid analysis - Financial Aid Independent Review (Rosemount, MN), Family Financial Needs Assessment (Hernando, MS), Private School Aid Service (Lakewood, OH), School and Student Service for Financial Aid (Princeton, NJ) Tuition Aid Data Services (St. Paul, MN), and FACTS Grant in Aid Agency (Lincoln, NE).

The use of any unapproved agency renders the student ineligible under Bylaw 7. A member school may petition the Board of Control to approve independent agencies.

CS - What merit aid tests have been approved by the Board of Control to determine the amount of merit aid a student may receive?

The Board of Control has approved the following merit aid tests to determine the amount of merit aid a student may receive - High School Placement Test (Scholastic Testing Service, Inc, Bensenville, IL and Earth City, MO.)

The use of any unapproved merit aid test renders the student ineligible under Bylaw 7. A member school may petition the Board of Control to approve other merit aid tests.

CS - For purposes of Section 2(a)(v), how does the member school determine which students are counted against the limit?

Determinations of which students count against the limit in Section 2(a)(v) are based chronologically on the date of the award of merit aid.

CS - Is there a procedure to be followed by a member school who has submitted a Merit Aid Test Date and is unable to administer the test due to weather or other circumstances beyond the control of school authorities?

Yes, the school can, in writing, request that the Commissioner approve an additional testing date in the event that such circumstances arise that prevent test administration on the previously scheduled date.

REFERENDUM ITEM 2

Proposed by the KHSAA Board of Control

Rationale - This proposal is designed to lessen the "Open Season" on rising 9th graders. In many areas, when students have participated at the high school level while being enrolled

below grade nine, there can be a climate for nearly college level "recruiting" of the kids before and upon 8th grade graduation. This change would clarify that if students participate at any level at a KHSAA member school while enrolled below grade nine, they shall enroll in that member school or lose one year of eligibility at all levels in all sports. This change is basically a return the transfer rule to its pre-1982 form when Bylaw 6 applied any time a student had represented a member school. The proposed rule is more stringent in that it applies to all levels of play.

Bylaw 6. Transfer Rule

Sec. 1) Domestic Students

Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity game in any sport at any school following enrollment in grade nine (9) and who then transfers schools shall be ineligible for interscholastic athletics at any level in any sport for one year from the date of enrollment in the new school. Any student entering grade (7) in 2008-2009 or later who has participated in a contest at any level in any sport representing a member school while being enrolled in grades seven (7) or eight (8) and who then enrolls at a different member school (grade nine or above) shall be ineligible for interscholastic athletics at any level in any sport for the first year of enrollment.

The Commissioner has discretion (but is not required) to waive the period of ineligibility set forth above if one of the following exceptions has been met. Determinations of whether a student shall be granted a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school. The KHSAA shall not recognize as grounds for a waiver of the period of ineligibility an argument that the educational needs of the transferring students would be better served through a transfer.

- a) NON ATHLETIC PARTICIPATION FOR AN ENTIRE SCHOOL YEAR - In the event that the transferring student did not participate in an interscholastic contest at any level in any sport while enrolled in grades nine through twelve at the sending school during the entire academic school year immediately preceding the change in schools.

THIS PROPOSAL MAKES NO OTHER CHANGES IN THE DOCUMENTED EXCEPTIONS FOR A WAIVER OF THE PERIOD OF INELIGIBILITY (LETTERED a-e and g-h in the 2005-2006 Handbook). The minor change in (f) is necessary due to potential conflict with the newly adopted provision.

Case BL-6-14- What does the word "sport" as used in Bylaw 6 represent with respect to athletic participation?

Sport has been defined as those sports which the KHSAA sanctions AND sponsors a championship. "Sport" includes baseball, basketball, cross country, football, golf, soccer, softball (fast and slow pitch), swimming, tennis, track, volleyball and wrestling. Students whose only participation in interscholastic athletics involves participation in sports or activities other than those listed are not subject to the provisions of Bylaw 6.